REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-38 are pending in the application. Claims 1, 4-8, 13, 14, 17, 20-24, 29 and 30 have been amended. Claims 2, 3, 9-12, 18, 19, 25-28 and 33-38 have been canceled without prejudice or disclaimer. Claims 1 and 17 are independent. No new matter has been added.

In the Official Action, claims 1, 3, 5, 7, 8, 10, 17, 19, 21, 23, 24, 26, 33 and 35 were rejected under 35 U.S.C. § 102(e) as being anticipated by Chen (U.S. Patent Pub. No. 2003/0005161); and claims 2, 4, 6, 9, 11-13, 14-16, 18, 20, 22, 25, 27-32, 34 and 36-38 were rejected under 35 U.S.C. § 103(a) in view of Chen and Sato (U.S. Patent No. 5,884,004).

Claims 1, 4-8, 13, 14, 17, 20-24, 29 and 30 are amended to more clearly describe and distinctly claim Applicant's invention. Support for this amendment is found in Applicant's originally filed specification. No new matter is added.

Briefly recapitulating, amended claim 1 is directed to

> A method of reproducing content information stored on recording medium comprising:
>
> reproducing first data read out from the recording medium in synchronization with second data received from a content providing server over a network, the first data comprising audio/video data and the second data comprising content data associated with the first data;
>
> sensing a failure in receiving the second data;
>
> upon sensing the failure in receiving the second data, re-synchronizing the first data read out from the recording medium with the second data received from the content providing server over the network based on information for synchronization or re-synchronization included in the second data, the information including data rate information of the second data and/or size information of the second data; and

continuing to reproduce the first data in synchronization with the second data.

Chen describes a method for recovering from a failed synchronization session. The recovery detection method is able to identify a sync failure with a minimal amount of data transmitted between the two devices, and thus, provides an economic method of recovering from a failed synchronization session using wireless technology. The method achieves this recovery without requiring the server to maintain and track errors of the client, without waiting for an explicit acknowledgement from the client, and without other time consuming and bandwidth intensive tasks.

FIG. 4 of Chen is a graphical representation of one embodiment of client synchronization data 323 exchanged during a synchronization session. In the illustrated embodiment, the synchronization data 323 includes a client request 324 and a client response 326. The client request 324 includes a sync key 402 and a client manifest 404. The sync key 402, described in a co-pending application entitled "SYNC KEY" which is commonly owned and filed on the same date as the current application, provides one illustrative method for synchronizing data using wireless technology. The method for detecting a failed synchronization session using the sync key 402 will be described in greater detail below. The client manifest 404 identifies information that has changed in the mobile data 322 since the last successful synchronization session or may identify information that the mobile device 320 wants from the server data 312. For example, in one embodiment, if the client manifest 404 is null, the synchronization application 342 sends all the currently stored server data 312 to the mobile device 320 to store as mobile data 322.

However, Applicant submits that Chen does not disclose or suggest Applicant's claimed step of "upon sensing the failure in receiving the second data, re-synchronizing the first data read

out from the recording medium with the second data received from the content providing server over the network based on information for synchronization or re-synchronization included in the second data, the information including data rate information of the second data and/or size information of the second data." Similarly, Chen does not disclose or suggest the processor recited in amended claim 17.

MPEP § 2131 notes that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also MPEP § 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Chen does not disclose or suggest all of the features recited in claims 1 and 17, Chen does not anticipate the invention recited in claims 1 and 17, and all claims depending therefrom.

Applicant has considered Sato and submits Sato does not cure the deficiencies of Chen. As none of the cited art, individually or in combination, discloses or suggests at least the above-noted features of independent claims 1 and 17, Applicant submits the inventions defined by claims 1 and 17, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.[1]

[1] MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Conclusion

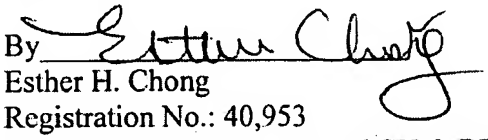
In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael E. Monaco Reg. No. 52,041 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: June 5, 2008

Respectfully submitted,

By 

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